

# United States District Court

EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

UNITED STATES OF AMERICA

V.

DIXON KELLY, III

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§

CASE NO. 5:17CR8  
JUDGES SCHROEDER/CRAVEN

## **FINDINGS OF FACT AND RECOMMENDATION ON GUILTY PLEA BEFORE THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Court for administration of the guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On August 8, 2017, this cause came before the undersigned United States Magistrate Judge for guilty plea and allocution of the Defendant on Counts One and Two of the Indictment. Count One charges a violation of 18 U.S.C. § 2113 (a) and (d), armed bank robbery, and Count Two charges a violation of 18 U.S.C. § 924(c), using and/or carrying a firearm during and in furtherance of a crime of violence. After conducting said proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Court finds:

a. That the Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a United States Magistrate Judge subject to a final approval and imposition of sentence by the District Court.

b. That the Defendant is fully competent and capable of entering an informed plea, that the Defendant is aware of the nature of the charges and the consequences of the plea, and that the

plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

c. Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the undersigned. All parties have waived objections.

IT IS THEREFORE RECOMMENDED that the District Court accept the Guilty Plea of the Defendant, and that DIXON KELLEY, III should be finally adjudged guilty of the offenses listed above.

**SIGNED this 9th day of August, 2017.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE